

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARY JENNIFER PERKS, MARIA
NAVARRO-REYES on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

TD BANK, N.A.,

Defendant.

CASE NO. 1:18-CV-11176-DAB

**NOTICE OF UNOPPOSED MOTION AND PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS SETTLEMENT, PRELIMINARY CERTIFICATION
OF SETTLEMENT CLASS, AND APPROVAL OF NOTICE PLAN**

PLEASE TAKE NOTICE that on such date and time as the Court determines, a hearing will be held before the Honorable Valerie Caproni, United States District Judge for the Southern District of New York, in Courtroom 443, 40 Foley Square, New York, NY 10007, or, subject to further order of the Court, by telephone or videoconference, at which Plaintiffs Mary Jennifer Perks and Maria Navarro-Reyes will, and hereby do, move the Court for entry of the Preliminary Approval Order, attached hereto as Exhibit 1, which establishes the following:

- (a) Certification of the Settlement Class for purposes of settlement only and appointing Plaintiffs as the Class Representatives and their counsel as Class Counsel;
- (b) Preliminary approval of the Settlement Agreement and Releases, attached hereto as Exhibit 2;
- (c) Approval of the Notice Plan;
- (d) Appointment of RG/2 Claims Administration LLC as Settlement Administrator and instructions for RG/2 to commence the Notice Plan;

- (e) A final approval hearing to consider final approval of the settlement and any application for attorneys' fees, expenses, and class representative service awards for approximately 180 days after the entry of the Preliminary Approval Order.

Plaintiffs further request the following schedule of deadlines:

Event	Date
Deadline for the Settlement Administrator to serve on the appropriate government officials the notice required by 28 U.S.C. § 1715	May 27, 2021
Deadline for Defendant to pay \$20,750,000 in cash into the Escrow Account	No later than 14 days from the date of this Order
Deadline for Defendant to provide the Settlement Administrator with the information required by paragraph 75 of the Settlement Agreement	No later than 30 days from the date of this Order
Deadline for Settlement Administrator to Mail and E-mail Notice to Class Members	No later than 60 days from the date of this Order
Deadline for any petition for an award of attorneys' fees, costs, and service awards	No later than 60 days from the date of this Order
Opt-Out Deadline	120 days from the date of this Order
Objection Deadline	120 days from the date of this Order
Deadline for Motion for Final Approval	130 days from the date of this Order
Final Approval Hearing	Approximately 180 days from the date of this Order)

This Motion is based on this Notice of Motion and Motion, Plaintiffs' Memorandum in Support of this Motion and all its exhibits, the Settlement Agreement and Releases and all its exhibits, the argument of counsel, all papers and records on file in this matter, and such other matters as the Court may consider.

Dated: May 17, 2021

Respectfully submitted,

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Attorneys for Plaintiffs and the proposed Settlement Class

CERTIFICATE OF SERVICE

I certify that on May 17, 2021, a true and accurate copy of the foregoing notice was filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Lynn A. Toops